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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,481	09/22/2003	Peter Oberhans	10901/52	2928
26646	7590	04/04/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/668,481

Applicant(s)

OBERHANS ET AL.

Examiner

Tung S. Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 6, 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakiuchi et al. (U.S. Patent Application Publication 2004/0051897).

Regarding claim 1:

Kakiuchi discloses a method for correcting scanning signals of an incremental position transducer having deviations from ideal signals expected by a downstream evaluation unit, comprising: feeding the scanning signals to a correction unit in response to a signal request (page 4, section 0057); linking the scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals (fig. 7, unit ST31, St32-ST35, page 4, section 0057); and exclusively feeding scanning signals for generating correction data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (page 5, unit 0060-0061).

Regarding claim 11:

Kakiuchi discloses a device for correcting scanning signals of an incremental position transducer having deviations from ideal signals expected by a downstream evaluation unit, comprising: an arrangement configured to perform a method including the steps of: feeding the scanning signals to a correction unit in response to a signal request (page 4, section 0057); linking the scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals (fig. 7, unit ST31, St32-ST35, page 4, section 0057); and exclusively feeding scanning signals for generating data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (page 5, unit 0060-0061).

Regarding claim 12:

Kakiuchi discloses a device for correcting scanning signals of an incremental position transducer having deviations from ideal signals expected by a downstream evaluation unit, comprising: means for feeding the scanning signals to a correction unit in response to a signal request (page 4, section 0057); means for linking the scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals (fig. 7, unit ST31, St32-ST35, page 4, section 0057); and means for exclusively feeding scanning signals for generating data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (page 5, unit 0060-0061).

Regarding claim 2, Kakiuchi further discloses checking the signal request by a logic device to determine whether the signal request applies to scanning signals that are to undergo a correction in the correction unit or to scanning signals for generating correction data (page 5, unit 0060-0061); Regarding claim 3, Kakiuchi further discloses no signal requests for a predetermined time segment that apply to scanning signals to be corrected in the correction unit (page 5, unit 0060-0061); Regarding claim 6, Kakiuchi further discloses digitizing analog signals of the scanning signals before the step of feeding the scanning signals to the correction unit (fig. 11, unit St60, St61); Regarding claim 8, Kakiuchi further discloses triggering the signal request by at least one of a microprocessor of the correction unit and an external pulse (fig. 11, unit St51, St52, fig. 1, unit 22, 11); Regarding claim 9, Kakiuchi further discloses generating the correction data as a function of active values of the scanning signals in a microprocessor (fig. 1, unit 11); Regarding claim 10, Kakiuchi further discloses correcting the scanning signals in accordance with at least one predefined correction algorithm (fig. 11, unit St53-St63).

### ***Claim Objections***

2. Claims 4, 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach: Regarding claim 4, the predefined time segment is shorter than a shortest difference in time between two signal requests of new scanning signals to be corrected; Regarding claim 5, the signal requests of scanning signals to be corrected occur in constant time intervals, the predefined time segment shorter than the constant time intervals; Regarding claim 7, the correction unit includes feeding at least two scanning signals to be corrected to the correction unit in response to request of scanning signals to be corrected, the two scanning signals being out-of-phase with each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 2, 3, 6 and 8-12, have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 3/17/2005 have been fully considered but they are not persuasive.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-

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2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

**BRYAN BUI**  
**PRIMARY EXAMINER**

*B. Bui*  
3/30/05